

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS

AND INTERFERENCES

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID T. POLLOCK

Application No. 09/546,966

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

The examiner mailed an Examiner's Answer on March 23, 2006, responding to appellant's Brief filed December 23, 2005. Appellant filed a Reply Brief stamped with the date of receipt of May 26, 2006. The effective filing date of the Reply (as per the certificate of mailing stamp on page 1 of the Reply Brief) however

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is May 23, 2006. The examiner mailed a communication to appellant on September 11, 2006 noting receipt of the Reply Brief, but stated that it would not be considered because it was not timely filed. Appellant filed a letter on September 21, 2006 (certificate of mailing stamp dated September 18, 2006) stating that the Reply was indeed timely filed and requesting that the examiner consider it. The examiner has not responded to appellant's request.

Accordingly, it is

ORDERED that the application is returned to the Examiner

- a) to respond to appellant's letter of September 21, 2006 requesting consideration of the Reply Brief, and
- b) for such further action as may be appropriate.

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